

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MAGISTRATE CRIMINAL MINUTES

FILED
DISTRICT COURT OF GUAM
JUL 11 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. MG-05-00017-001

DATE: 07/11/2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding
Court Recorder and Courtroom Deputy: Virginia T. Kilgore
Hearing Electronically Recorded: 9:51:38 - 10:16:32

Law Clerk: Judith Hattori

CSO: J. McDonald

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***** APPEARANCES *****

DEFT: JUAN SAN NICOLAS CHARGUALAF

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY: JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT:

U.S. PROBATION: ROSANNA VILLAGOMEZ-AGUON

U.S. MARSHAL:

TIME: 9:51 a.m.

***** PROCEEDINGS: CHANGE OF PLEA / SENTENCING *****

- () COMPLAINT READ TO DEFENDANT
() FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: _____, ATTORNEY APPOINTED
() DEFENDANT SWORN AND EXAMINED: AGE: _____ HIGH SCHOOL COMPLETED: _____
() DEFENDANT ARRAIGNED AND ADVISED OF THEIR RIGHTS, CHARGES AND PENALTIES
() REMOVAL/IDENTITY HEARING () CONDUCTED () WAIVED () SET FOR: _____ at _____
() WARRANT OF REMOVAL ISSUED
() GOV'T SUMMARIZES THE EVIDENCE () GOV'T SUBMITS TO THE PLEA AGREEMENT
() COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA
() DEFENDANT WAIVES READING OF () COMPLAINT () INFORMATION () INDICTMENT
(X) PLEA ENTERED: (X) GUILTY () NOT GUILTY - TO: ENTERING MILITARY PROPERTY
() COUNT(S) _____ DISMISSED ON GOVERNMENT'S MOTION
(X) PLEA AGREEMENT FILED: JULY 11, 2005 PLEA: (X) ACCEPTED () REJECTED
() COURT ORDERS PLEA AGREEMENT SEALED
() COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: _____ FOR RECOMMENDATION.
() SENTENCING DATE: _____ at _____ () STATUS HEARING: _____ at _____
() PRESENTENCE REPORT ORDERED AND DUE: _____
() PRELIMINARY EXAMINATION SET FOR: _____
() ARRAIGNMENT SET FOR: _____ at _____
() TRIAL SET FOR: _____

PROCEEDINGS CONTINUED TO: _____ at _____

- () DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)
() DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR () PROCESSING () DETENTION
() DETENTION HEARING REQUESTED BY _ GOV'T _ DEFT IS SET FOR: _____ at _____
() DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

Changes made to the plea agreement: 1) Page 1, line 19 after the words "guilty plea" insert the words "to Count 2 of the"; 2) Page 1, line 20 delete the words "Count 2 of the Complaint"; 3) Page 1, line 26 remove "\$25" and insert "\$10"; 4) Page 2, line 13 after the word "AFB" insert the words "for a prohibited purpose"; 5) Page 2, line 19 after the word "Guidelines" insert the word "do not"; and 6) Page 3, line 2, paragraph "c" delete the first sentence.

The Defendant consented to the forfeiture of any weapons confiscated. Government recommended Defendant be sentenced to probation and a \$500 fine. Defense requested that his client serve a term of probation up until the time his fine is paid in full. The Court imposed sentence.

(DEFENDANT IS SENTENCED TO PROBATION FOR A TERM OF NINE MONTHS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
2. DEFENDANT SHALL ABIDE BY THE STANDARD CONDITIONS OF PROBATION.
3. DEFENDANT SHALL NOT POSSESS ILLEGAL CONTROLLED SUBSTANCES AND SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS AFTER RELEASE FROM IMPRISONMENT AND TO TWO MORE URINALYSIS THEREAFTER.
4. DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL.
5. DEFENDANT SHALL OBTAIN AND MAINTAIN EMPLOYMENT.
6. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A FINE OF \$500.00 WITHIN HIS TERM OF PROBATION AND A SPECIAL ASSESSMENT FEE OF \$10.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.

TIME ENDED: 10:16 A.M.